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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,390	03/17/2004	Zion Azar	299/03782	3668
44909	7590	12/08/2009	EXAMINER	
PRTSI			AHMED, HASAN SYED	
P.O. Box 16446			ART UNIT	
Arlington, VA 22215			PAPER NUMBER	
			1615	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,390

Applicant(s)

AZAR ET AL.

Examiner

HASAN S. AHMED

Art Unit

1615

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

- Receipt is acknowledged of applicants' remarks and RCE, filed on 24 September 2009.
- The remarks filed on 24 September 2009 have been considered, but are moot in view of the new grounds of rejection.

* * * * *

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 25 August 2009 has been entered.

* * * * *

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,676,501 ("Beaudry") in view of U.S. Patent No. 5,791,008 ("Crabtree") (cited in the form PTO-892 filed on 30 June 2006).

Beaudry teaches an abrasive pad comprising:

- the abrasive surface of instant claim 1 (*see* col. 3, line 32);
- the elastomer backing of instant claim 1 (*see* col. 3, line 37);
- the slits and flaps of instant claim 1 (*see* fig. 1a); and
- the cylindrical shape of instant claim 6 (*see* fig. 1a).

Beaudry explains that the disclosed pad is beneficial because it has a work portion and a grip portion (*see* col. 1, lines 11-12).

Beaudry differs from the instant application in that it does not explicitly teach that two slits are formed in the elastomer or sponge material backing the abrasive surface. However, Crabtree teaches a sponge material wherein two slits are formed in the sponge material (*see*, e.g., fig. 2; col. 2, line 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose an abrasive pad comprising an abrasive surface, an elastomer or sponge backing, and two slits formed in the elastomer or sponge material backing the abrasive surface, as taught by Beaudry in view of Crabtree. One of ordinary skill in the art at the time the invention was made would have been motivated to make such an article because it has a work portion as well as a grip portion, as explained by Beaudry.

*

2. Claims 1-6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Beaudry in view of Crabtree, further in view of U.S. Patent No. 3,775,014 ("Rosborne").

Beaudry and Crabtree are discussed above. Beaudry differs from the instant application in that it does not disclose the sponge material of instant claim 2 or the ring of instant claims 3-5. However Rosborne discloses an abrasive pad comprising a sponge material (see col. 1, line 67) and a ring (see fig 3, item 8).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose an abrasive pad comprising an abrasive surface, an elastomer or sponge backing, two slits formed in the elastomer or sponge material backing the abrasive surface, and a ring, as taught by Beaudry in view of Crabtree, further in view of Rosborne. One of ordinary skill in the art at the time the invention was made would have been motivated to make such an article because it has a work portion as well as a grip portion, as explained by Beaudry.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASAN S. AHMED whose telephone number is (571)272-4792. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on (571)272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. S. A./
Examiner, Art Unit 1615

/Humera N. Sheikh/
Primary Examiner, Art Unit 1615